

HOUSE BILL 1022

By Hawk

AN ACT to amend Tennessee Code Annotated, Title 18;
Title 30; Title 31 and Title 32, relative to
administration of estates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 18-6-106(a)(2)(A), is amended by deleting the language "62,900" from the list entitled "not less than" and by deleting the language "63,000" from the list entitled "nor more than".

SECTION 2. Tennessee Code Annotated, Title 30, Chapter 2, Part 3, is amended by adding the following new section thereto:

30-2-324.

(a) After notice has been sent to the last known address of the personal representative of the estate, the attorney for the estate and any beneficiaries of the estate, the court may enter an order, without liability to the clerk of the county of administration, dismissing, without prejudice, a probate case if:

(1) No order of disposition has been entered;

(2) The case has been open for a period of time in which disposition could have occurred, but in no event less than eighteen (18) months from the order opening the estate; and

(3) The administration of the estate remains incomplete.

(b) A dismissal pursuant to this section shall only operate to close the administration and not invalidate any previous order of the court in the proceeding.

(c) This section shall apply to any county having a population of not less than sixty-two thousand nine hundred (62,900) nor more than sixty-three thousand (63,000), according to the 2000 federal census or any subsequent federal census.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.